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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,525	03/09/2001	Hiromichi Enomoto	01119/LH	2850
1933	7590	10/31/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			AGWUMEZIE, CHARLES C	
220 5TH AVE FL 16			ART UNIT	
NEW YORK, NY 10001-7708			PAPER NUMBER	

3621

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,525

Applicant(s)

ENOMOTO ET AL.

Examiner

Charlie C. Agwumezie

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of claims

1. Claims 1-12, 14 and 20-29 are cancelled. Claims 13 and 15-19 is pending in this application per the response to Office Action filed on August 25, 2005.

Response to Arguments

2. Applicant's arguments filed August 25, 2005 have been fully considered but they are not persuasive.

3. As per claim 13, Applicant recites the amended features of claim 13 and argues that claim 13 includes a reading section in which read-only storage medium and the writable storage medium are separately loaded. That data processing is conducted by accessing the physically independent storage media M1 (the read-only storage medium) in which the program for the data processing is stored, and m2 (the writable storage medium) in which data to be processed is stored, the data processing program can be updated by replacing only the read-only storage medium m1. By contrast Applicant argues and submits that Yokono et al provides one storage medium that includes both a read-only and a writable area. Thus according to Yokono et al, bundled software is recorded in the read-only area while downloaded contents, downloaded application programs, edited data and so on are recorded in the rewritable area. Thus with the structure of Yonoko et al , it is not possible to upgrade the data stored in the read-only area of the disk simply by providing a new read-only storage medium.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the data processing program can be updated by replacing only the read-only storage medium m1 or upgrade the data stored in the read-only area of the disk simply by providing a new read-only storage medium) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, loading storage media separately is an inherent concept in disk usage and management.

4. Applicant further recites that the features of claim 13 to include a first protection key and a second protection key that are stored on the read-only storage medium, and a second protection key that is stored on the writable storage medium. With this structure..., Applicant concluded that a not allowed program can thus be prevented from being executed. By contrast Applicant submits that Yonoko et al merely discloses that one user ID is recorded in the writable area of the disk and is used for personal identification so that the person who knows the user ID can use the disk.

In response Examiner respectfully disagree with the Applicant characterization of Yonoko et al methods of write protection of its disk and/or storage media. Yokono et al provided three different disk arrangements with different disk protection mechanisms (ses figs. 6A, ^b and C). For disk 6A, Yokono et al provided that since it is a rewritable physical disk and recordable on the entire area, a non-rewritable area is formed by write protecting some writable area with disk management information. As per disk 6A and

Art Unit: 3621

6B, both disk provides read-only area and rewritable area that is also write protected (col. 11, lines 40-67) Thus the disk of Yonoko et al are write protected in contrast to Applicant's submission. Thus Applicants claims are properly rejected as shown below.

Claims 13 and 15-19 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 13 and 15-19**, are rejected under 35 U.S.C. 102(e) as being anticipated by Yokono et al U.S. Patent 6,538,761.

6. As per **claim 13**, Yokono et al discloses a data processing system, comprising:

a read-only storage medium storing at least a program, a first protection key, and a second protection key (fig. 6 and 21; col. 11, lines 58-68, col 12, lines 1-5, 54-67);

Art Unit: 3621

a writable storage medium storing at least image data and a second protection key (fig. 6, col. 11, lines 50-58); and

a processor including a reading section in which the read-only storage medium and the writable storage medium are separately loaded and the control section which accesses both the read-only storage medium and the writable storage medium loaded in the reading section (col. 9, lines 20-30, col. 10, lines 15-20);

wherein when the control section access the read-only storage medium, the first protection key allows the control section to access the writable storage medium, and the control section processes the image data stored in the writable storage medium based on the program stored in the read-only storage medium, when the control section accesses the writeable storage medium and determines that the second protection key of the read-only storage medium corresponds to the second key of the writable storage medium (col. 11, lines 50-67, col. 12, lines 39-45).

7. As per **claim 15**, Yokono et al further discloses the data processing system, wherein the read-only storage medium stores global service information and the writable storage medium stores local service information (see fig. 8).

8. As per **claim 16**, Yokono et al further discloses the data processing system, wherein the first protection key is stored at an exclusive place in the read-only storage medium where only a specific data processing apparatus can conduct reading or writing (see fig. 6A, 6B and 6C, col. 12, lines 39-45, 54-67).

9. As per **claim 17**, Yokono et al further discloses the data processing system, wherein the second protection key is stored at an exclusive place in the writable storage medium where only a specific data processing apparatus can conduct reading or writing (see fig. 6A, 6B and 6C, col. 12, lines 39-45, 54-67).

10. As per **claim 18**, Yokono et al further discloses the data processing system, wherein at least one of the first protection key of the read-only storage medium, the second protection key of the read-only storage medium and second protection key of the writable storage medium is stored at an exclusive place where only a specific data processing apparatus can conduct reading or writing (see fig. 6A, 6B and 6C, col. 12, lines 39-45, 54-67).

11. As per **claim 19**, Yokono et al further discloses the data processing system, wherein an executing file is stored only in the read-only storage medium (see fig. 6 and 11; col. 11, lines 44-49, col. 12, lines 54-60).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Art Unit: 3621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie C. L. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

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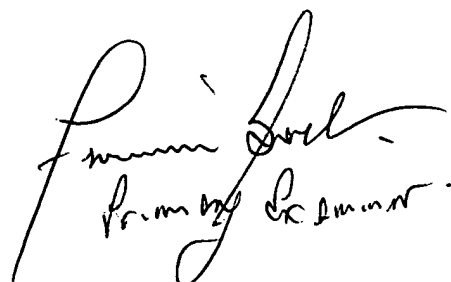
Or faxed to:

(571) 273-8300. [Official communications; including After Final communications labeled "Box AF"].

(571) 273-8300. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany Street Alexandria VA.

acc
October 20, 2005

A handwritten signature in black ink, appearing to read "Charlie C. L. Agwumezie". The signature is stylized with a large, looping initial "C".